

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	
Vs.)	Criminal No. 10-163
)	
RONDALE NELSON,)	
)	
Defendant.)	

ORDER

AND NOW, this 27th day of January, 2011, upon consideration of Defendant's Motion to Revoke Detention Order (document No. 25) filed in the above captioned matter on January 26, 2011,

IT IS HEREBY ORDERED that said Motion is DENIED.

Rule 59(a) of the Federal Rules of Criminal Procedure governs the appeal rights found in 18 U.S.C. § 3145(b). An appeal of a Magistrate Judge's detention order must be taken within ten (10) days. The right to review is waived if the appeal is not taken within this time frame. F.R.Cr.P. 59(a); United States v. Hoffman, 2009 WL 1068856 *1 (W.D. Ark. Apr. 21, 2009); see also United States v. Tooze, 236 F.R.D. 442, 443-45 (D.Ariz. 2006).

Defendant was detained by Order dated September 13, 2010, but he did not seek Section 3145 review until January 26, 2011. Therefore, Defendant waived his right to review of his detention order, and any review would be discretionary. On review of Defendant's motion, in which he cites unspecified "additional evidence," and the reasons set forth by Magistrate Judge Bissoon in

her Detention Order (Doc. #17), the Court declines to exercise its discretionary authority to review Defendant's order of detention.

s/Alan N. Bloch
United States District Judge

ecf: Counsel of record